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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,237	02/23/2001	Benoit Cristol	01006	9600

23338 7590 09/23/2002

DENNISON, SCHULTZ & DOUGHERTY
1745 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

BOS, STEVEN J

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 09/23/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/744,237

Applicant(s)
Cristol

Examiner
Steven Bos

Art Unit
1754



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 13, 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4 <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). | 6 <input type="checkbox"/> Other: |

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The amendment filed August 13, 2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: in the Marked-up copy on pg. 3, "i.e. the cumulative percent finer than X um or CPFT X um"; on pg. 5,6,7,8,9,10,11,12,14,15,17,18,19, "CPFT"; on pg. 9, "observing values of CPFT X1 um enables to anticipate a change in CPFT X2 um where X2 is greater" and "the end of crystal growth phase" and "feed tanks"; on pg. 11, "greater"; on pg. 12, "350 g/ aluminate liter). measuring CPFT X1 um with X1 = 20 um is sufficient" and "/ aluminate"; on pg. 14, "/ aluminate"(each occurrence) and "feed tanks series"; on pg. 15, "feed tanks series" and "/ aluminate" and "injected at the entry of feed tanks series"; on pg. 16, "/ liter" and "tertiary seed 9n," and "/ aluminate"(both occurrences) and "has a solid content about 350 g / aluminate" and "of feed tanks series"; on pg. 17, "injected at the entry of the feed tanks series" and "the exit of feed tanks series"; on pg. 18, "/ liter" and "/ aluminate"; on pg. 19, "feed tanks series, the slurry 5 has a solid content" and "/ aluminate" and "g/ aluminate liter" and in the abstract, "CPFT" and the other changes which correspond to the new matter explained above.

Applicant is required to cancel the new matter in the reply to this Office Action.

The abstract of the disclosure is objected to because it is confusing and ungrammatical. Correction is required. See MPEP § 608.01(b). It is also unclear as to which abstract is to be

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used since now there are two abstracts because there were no instructions to cancel the original abstract. The second abstract is objected to as containing new matter as described above.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7-14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitations of each of claims 7-9, 11, 13, 14 are new matter. For example, each occurrence of "CPFT" is new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, "controlling precipitation" is indefinite as to what this refers to; ie. precipitation of what?

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In claim 7, "predetermined" is indefinite, *Joseph E. Seagram & Sons, Inc. v. Marzall*, 84 USPQ 180.

In claim 7, "particles sizes" is ungrammatical.

In claim 7, "regularly measuring" and "regularly updating" is indefinite as to what the metes and bounds of these are.

In claim 7, "the slurry" lack(s) proper antecedent basis in the claim(s).

In claim 7, "the regularly updated trigger thresholds" lack(s) proper antecedent basis in the claim(s).

In claim 8, "modification of solid content" is indefinite as to what the metes and bounds of this phrase are.

In claim 8, "the slurry" lack(s) proper antecedent basis in the claim(s).

In claim 9, "the slurry" lack(s) proper antecedent basis in the claim(s).

In claim 9, "modifying proportions of aliquots of pregnant aluminate liquor" is indefinite as to what the metes and bounds of this language is.

In claim 13, "the slurry" (each occurrence) lack(s) proper antecedent basis in the claim(s).

In claim 13, "at a particular point in the precipitation system" (each occurrence) is indefinite.

In claim 13, "the precipitation system" (each occurrence) lack(s) proper antecedent basis in the claim(s).

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In claim 13, the period after “%<X1(t)” is indefinite as this appears in the middle of the claim.

In claim 13, “which characterizes the relation R as: $R(\%<X2(t), \%<X1(t - t)) = 0 \dots$ on each curve” is indefinite since this is not an equation due to the comma in the middle of the expression.

In claim 13, “a same accidental phenomenon on each curve” is indefinite as to what is considered to be an accidental phenomenon and as to what curve is being referred to here.

In claim 13, “a the maximum” is ungrammatical.

In claim 13, “the authorized variation of values” is indefinite as to what is considered to be and “authorized variation of values”.

In claim 14, “the slurry”(each occurrence) lack(s) proper antecedent basis in the claim(s).

In claim 14, “at a particular point in the precipitation system”(each occurrence) is indefinite.

In claim 14, “the precipitation system”(each occurrence) lack(s) proper antecedent basis in the claim(s).

In claim 14, “regular updating of R and the definition ... important modification in a process parameter” is indefinite as to what is meant by this language and as to what is considered to be “regular”.

In claim 14, “a corrective action” is indefinite as to what is considered to be a corrective action.

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Applicant's remarks filed August 13, 2002 have been fully considered.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

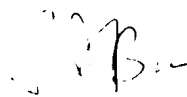
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Bos whose telephone number is (703) 308-2537. The examiner is on the increased flexitime program schedule. The FAX No. for After Final amendments is 703-872-9311; for all others it is 703-872-9310.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Steven Bos
Primary Examiner
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